



WISCONSIN

DEPARTMENT OF WORKFORCE DEVELOPMENT

Division of Economic Support
Bureau of Welfare Initiatives

**TO: Economic Support Supervisors
Economic Support Lead Workers
Training Staff
FSET Administrative and Provider Agencies
Child Care Coordinators
W-2 Agencies**

BWI OPERATIONS MEMO

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Non W-2 ☒ W-2 ☐ CC ☐

PRIORITY: Medium

**FROM: Stephen M. Dow
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Policy Analysis and Program Implementation Section**

SUBJECT: HUBER LAW PRISONERS' FOOD STAMP ELIGIBILITY

CROSS REFERENCE: Food Stamp Handbook, Initial Unit, Individual Unit and Appendix 9.0.0

EFFECTIVE DATE: Immediately

PURPOSE

To clarify when Huber Law prisoners should be determined to be temporarily absent from the FS Unit and therefore potentially eligible for FS benefits.

POLICY CLARIFICATION

Huber law prisoners who are released from confinement for the purpose of caring for members of their family, and who purchase and prepare meals with their family members could be eligible for food stamps. They must meet all financial and non-financial eligibility requirements.

A Huber law prisoner will be considered to be caring for his/her family if the prisoner meets all 3 of these criteria:

1. Intends to return home after his/her confinement.
2. Continues to exercise responsibility for the care and control of the children.
3. Continues to be involved in the planning for the support and care of the children.

Huber law prisoners who are released for a purpose other than attending to the needs of their families or who do not purchase or prepare meals with their families are considered absent from the household and therefore are not eligible for food stamps.

Example: A mother and her 2 pre-school children are FS recipients. The mother is sentenced to serve 60 days in a Huber facility. However, as a term of her sentence she is released each morning at 6:00 AM. to return to her home and care for her children. She prepares and eats meals with the children. She is to report back to the Huber facility at 8:00 PM. This mother is temporarily absent from the FS household and is eligible for FS benefits.

Example: A mother and her three school age children are FS recipients. The mother is sentenced to serve 90 days in a Huber facility. However, she is released at 8:00 AM to her place of employment and must report back to the Huber facility by 4:30 PM. This mother is absent from the FS household and is not eligible for FS benefits.

Example: A father applies for FS for himself and his two school age children. He is sentenced to serve 90 days in a Huber facility. However, under the terms of his sentence he is released each morning at 6:00 AM to report to his place of employment; at 3:00 PM he is to leave his employment and report to his home to care for his children, including fixing and eating dinner with them. He must report back to the Huber facility by 8:00 PM. This father is temporally absent from the FS household and is eligible for FS benefits.

Rules pertaining to dual participation must be followed. A person cannot be a member of more than one food group in the same month unless the person is a residents of shelters for battered women and children, or is moving to Wisconsin from a state that issues FS on a fiscal month basis, not a calendar month.

CONTACTS

For questions related to this policy please contact the Call Center at 608-261-6317.